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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/653,245	09/03/2003	Kang Soo Seo	1740-000052/US	2814

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EXAMINER

CHOI, MICHAEL P

ART UNIT	PAPER NUMBER
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2621

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/653,245	<b>Applicant(s)</b> SEO ET AL.	
	<b>Examiner</b> Michael P. Choi	<b>Art Unit</b> 2621	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/21/04</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to because **Figure 3** discloses "Playback of Moive & Still" wherein 'Moive' should be changed to 'Movie'. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

2. The abstract of the disclosure is objected to because it does not contain more than 50 words. Correction is required. See MPEP § 608.01(b).

### ***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 1-11 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

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**Claims 1-11** define a recording medium embodying functional descriptive material as well as non-functional descriptive material such a data structure, per se. However, the claims do not define a computer-readable medium or memory and is thus non-statutory for that reason. That is, the scope of the presently claimed recording medium can be paper on which a program is written.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Maruyama et al. (US 6,385,289 B1).

**Regarding Claim 1**, Maruyama et al. teaches a recording medium having a data structure for managing reproduction of still images recorded on the recording medium, comprising:

- a data area storing at least first and second still images (see Fig. 3 – data area having VOBUs containing video packs (Fig. 11)); and
- a playlist area storing at least one playlist (Fig. 3 – having a program chain in audio & video data area), the playlist including mark information (Fig. 8 – having a cell ID number within a program chain), the mark information providing presentation information on the first and second images to provide for at least skipping (Fig. 8 – program chains skipping between various cells, having still images) from reproducing the first image to reproducing the second image (Fig. 11 – C\_IDN#1 having a navigation pack containing presentation control information).

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**Regarding Claim 2,** Maruyama et al. teaches the recording medium of claim 1, wherein the mark information includes a first mark associated with the first image and a second mark associated with the second image, the first and second marks providing the presentation information on the first and second images, respectively (Figs. 11, 27 – C\_IDN#1 having a video object unit and C\_IDN#2 having a video object unit each containing a navigation pack with presentation control – Figs. 12, 13).

**Regarding Claim 3,** Maruyama et al. teaches the recording medium of claim 2, wherein the first mark includes a first indicator indicating at least a stream of data where the first mark is placed (Figs. 12, 27 – VOB, 1411 containing a navigation pack (Fig. 11) having a pack header (Fig. 12, 110)); and the second mark includes a second indicator indicating at least a stream of data where the second mark is placed (Figs. 12, 27 – VOB, 1412 containing a navigation pack (Fig. 11) having a pack header (Fig. 12, 110)).

**Regarding Claim 4,** Maruyama et al. teaches the recording medium of claim 2, wherein the first mark includes a first indicator indicating a point in a stream of data where the first mark is placed (Figs. 12, 27 – VOB, 1411 containing a navigation pack (Fig. 11) having a pack and system header (Fig. 12, 110, 111)); and the second mark includes a second indicator indicating a point in a stream of data where the second mark is placed (Figs. 12, 27 – VOB, 1412 containing a navigation pack (Fig. 11) having a pack and system header (Fig. 12, 110, 111)).

**Regarding Claim 5,** Maruyama et al. teaches the recording medium of claim 2, wherein the first mark includes a type indicator indicating a type of the first mark, and the second mark includes a type indicator indicating a type of the second mark (Col. 14, lines 38+ - containing a stream ID for both pack and system headers).

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**Regarding Claim 6**, Maruyama et al. teaches recording the medium of claim 2, wherein the mark information indicates a number of marks in the mark information (Fig. 27 – VOB containing various sector numbers for each pack).

**Regarding Claim 7**, Maruyama et al. teaches the recording medium of claim 2, wherein the first mark points to the first still image and the second mark points to the second still image (Fig. 12 – wherein a first pack and system header associates with the subsequent video packs, each have a still picture for the first mark and second pack and system header associates with the subsequent video packs, 88, also having a still picture for the second mark).

**Regarding Claim 8**, Maruyama et al. teaches a recording medium having a data structure for managing reproduction of still images recorded on the recording medium, comprising:

- a navigation area including a plurality of marks (Fig. 12 – navigation pack, 86, having a pack and system header), at least a portion of the marks associated with still images, each mark associated with a still image serving as a pointer to the still image (Fig. 12 – each header associating with subsequent video packs, containing a still picture) to provide for skipping between still images during reproduction (Fig. 8 – program chains skipping between various cells, having still images).

**Regarding Claim 9**, Maruyama et al. teaches the recording medium of claim 8, wherein each mark associated with a still image includes an indicator indicating at least a stream of data where the mark is placed (Col. 14, lines 38+ - stream ID).

**Regarding Claim 10**, Maruyama et al. teaches the recording medium of claim 8, wherein each mark associated with a still image includes an indicator indicating a point in a stream of data where the mark is placed (Figs. 12, 27 – VOB, 1412 containing a navigation pack (Fig. 11) having a pack and system header (Fig. 12, 110, 111)).

**Regarding Claim 11,** Maruyama et al. teaches the recording medium of claim 8, wherein each mark associated with a still image includes a type indicator indicating a type of the mark (Col. 14, lines 38+ - containing a stream ID for a pack and system header).

**Regarding Claim 12,** Maruyama et al. teaches a method of reproducing a data structure for managing reproduction of still images recorded on the recording medium, comprising:

- reproducing at least one playlist from the recording medium, the playlist including mark information (Fig. 8 – having a cell ID number within a program chain), the mark information providing presentation information on first and second images to provide for at least skipping (Fig. 8 – program chains skipping between various cells, having still images) from reproducing the first image to reproducing the second image (Fig. 11 – C\_IDN#1 having a navigation pack containing presentation control information).

**Regarding Claim 13,** Maruyama et al. teaches an apparatus for reproducing a data structure for managing reproduction of still images recorded on the recording medium, comprising:

- a driver for driving an optical reproducing device to reproduce data recorded on the recording medium (Fig. 19, 32);
- a controller configured to control the driver (Fig. 19, 36) to reproduce at least one playlist from the recording medium (in at least Col. 2, Lines 30-35 – playback of program chains – Fig. 34), the playlist including mark information (Fig. 8 – having a cell ID number within a program chain), the mark information providing presentation information on first and second images (Fig. 11 – C\_IDN#1 having a navigation pack containing presentation control information) to provide for at least skipping from reproducing the first image to reproducing the second image (Fig. 8 – program chains skipping between various cells, having still images).

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**Regarding Claim 14**, Maruyama et al. teaches a method of recording a data structure for managing reproduction of at least still images recorded on a recording medium, comprising:

- recording (Col. 26, lines 21+; Fig. 25 - recording of video and audio data in data area) a plurality of marks in navigation area of the recording medium, at least a portion of the marks associated with still images (Fig. 12 - each header associating with subsequent video packs, containing a still picture), each mark associated with a still image serving as a pointer to the still image (Fig. 12 - wherein a first pack and system header associates with the subsequent video packs, each have a still picture for the first mark and second pack and system header associates with the subsequent video packs, 88, also having a still picture for the second mark) to provide for skipping between still images during reproduction (Fig. 8 - program chains skipping between various cells, having still images).

**Regarding Claim 15**, Maruyama et al. teaches an apparatus for recording a data structure for managing reproduction of at least multiple reproduction path video data on a recording medium, comprising:

- a driver for driving an optical recording device to record data on the recording medium (Fig. 19, 32);
- an encoder for encoding at least multiple reproduction path video data (Fig. 19, 50 - encoder); and
- a controller for controlling the driver (Fig. 19, 36 - data processor) to record (Col. 26, lines 21+; Fig. 25 - recording of video and audio data in data area) a plurality of marks in navigation area of the recording medium (Fig. 12 - each header associating with subsequent video packs, containing a still picture), at least a portion of the marks associated with still images, each mark associated with a still image serving as a pointer to the still image (Fig. 12 - wherein a first pack and system header associates with the subsequent video packs, each have a still picture for the first mark and second pack and system header associates with the subsequent video packs, 88,



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also having a still picture for the second mark) to provide for skipping between still images during reproduction (Fig. 8 – program chains skipping between various cells, having still images).

### ***Conclusion***

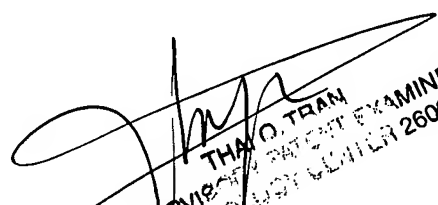
7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
- US 5,870,523 – Recording medium on which navigation data is recorded
  - US 5,854,873 – Method and apparatus for encoding bit-stream with plural system streams
  - US 5,999,698 – Multi-angle block reproduction system
  - US 5,884,004 – Optical disc for generating a bit-stream containing video objects

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael P. Choi whose telephone number is (571) 272-9594. The examiner can normally be reached on Monday - Friday 8:00AM - 5:30PM (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on (571) 272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MC

  
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